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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,835	11/13/2003	Toshikazu Morisawa	04329.3176	7845
22852	7590	11/19/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				CONNOLLY, MARK A
ART UNIT		PAPER NUMBER		
2115				
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			11/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,835	MORISAWA, TOSHIKAZU	
	Examiner	Art Unit	
	MARK CONNOLLY	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 September 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 13 and 17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Claims 1-4, 13 and 17 have been presented for examination.
2. Applicant's arguments with respect to claims 1-4, 13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugahara¹.
5. Referring to claim 1, Sugahara teaches the apparatus comprising:
 - a. an operating mode setting unit configured to set the operation modes [col. 5 lines 43-48].
 - b. a time zone setting unit configured to set a time zone information for carrying out each operation mode of the electronic apparatus [col. 12 lines 46-50]. In particular, Sugahara teaches managing the setting and management of the power save modes. It is therefore interpreted that the server comprises a time setting unit for setting times associated with the different operation modes. This interpretation is further apparent in fig. 11 wherein the different clients set different operating modes at different times. This leads to the interpretation that the scheduling of the different operation modes are not static and that different operation modes are set in accordance with a time deemed to be appropriate.

¹ As cited in a previous office action.

- c. an operation mode acquisition and determination unit configured to acquire a current operation mode and to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit [col. 6 line 66- col. 7 line 8 and col. 7 lines 20-28]. In particular, when changing over to a scheduled power save operation mode, status information is received representing a current operation mode. If it is determined that the current operation mode does not correspond to a desired operation mode (i.e. the scheduled power save operation mode) a reissue of the power save mode control is made to change to the desired power save operation mode.
- d. a control unit configured to carry out an operation mode changeover to set the desired operation mode if the operation mode determination unit determines that the current operation mode does not correspond to the desired operation mode [col. 5 lines 60-63 and col. 7 lines 13-19].
- e. an operation mode control unit configured to carry out at least one of screensaver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode [col. 1 lines 34-47 and col. 11 lines 42-62]. In particular, Sugahara teaches controlling power supplied to components such as a display, hard disk drives, etc... in accordance with a desired power save mode (i.e. operation mode).

6. Referring to claim 13, this is rejected on the same basis as set forth hereinabove.

Sugahara teaches the apparatus and therefore teaches the method performed by the apparatus.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Microsoft, Use Power Schemes for the Tablet PC².

9. Referring to claims 2 and 3, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to adjust the time periods between turning off a monitor and hard disk during a power save mode because Microsoft teaches that this will optimize power performance within the computer system [page 1].

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Nakai³.

11. Referring to claim 4, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20]. Because Sugahara is concerned with adjusting a systems

² As cited in a previous office action.

power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to reducing a disk rotation speed during a power save mode so that power consumption can be minimized.

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Shimada⁴.

13. Referring to claim 17, although Sugahara teaches a normal operation mode and a power save mode, it is not explicitly taught to have a silence operation mode. Shimada teaches operating a system in a silence mode [0007 and 0009]. It would have been obvious to include the silence mode taught by Shimada into the Sugahara system because it would allow the power controlled systems to be placed in low power modes which are sensitive to conditions during times “which must be made quiet, such as night.”

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK CONNOLLY whose telephone number is (571)272-3666. The examiner can normally be reached on M-F 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

³ As cited in a previous office action.

⁴ As previously cited by applicant but translation provided by examiner.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Connolly/
Primary Examiner, Art Unit 2115
11/17/08

Mark Connolly
Primary Examiner
Art Unit 2115